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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,291	12/28/2001	Yusuke Nakazono	35.G2971	3111

5514 7590 08/04/2006

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EXAMINER

RUDOLPH, VINCENT M

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/029,291	<b>Applicant(s)</b> NAKAZONO ET AL.	
	<b>Examiner</b> Vincent M. Rudolph	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 40-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 45-47, 49, 55-57, 59 and 61-63 are rejected under 35 U.S.C. 102(e) as being anticipated by lizuka ('385).

Regarding claim 45, lizuka ('385) discloses a software distributing system (through the server, See Figure 1, Element 13) for distributing control software to an image forming apparatus (See Col. 16, Line 4-8) over a network (See Figure 1; Col. 15, Line 5-12). This includes a receiving unit (a data base server, See Figure 1, Element 11) to receive identifying information and operating information (the statistical and equipment information included with the image forming apparatus, See Col. 16, Line 35-40) of a consumable unit detachably located and outputted from an image forming apparatus (consumable within the image forming apparatus, See Col. 17, Line 8-9), a selecting unit (embodied within the application server, See Figure 1, Element 12) that chooses the appropriate control software, stored in a database (stored within the application server, See Col. 18, Line 27-28) according to the identifying information and operating information so that the software corresponds to different operating information

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for the same identifying information (software is uniquely chosen for the identifying image forming apparatus based on the received operating information, See Col. 18, Line 27-44), and a controller unit (embodied within the application server, See Figure 1, Element 12) distributes the image formation control software to printing apparatus via the network (See Figure 1; Col. 16, Line 6-8).

Regarding claim 46, Iizuka ('385) disclose the identifying information includes the lot information (the statistical information for each image forming apparatus, See Col. 16, Line 35-40).

Regarding claim 47, Iizuka ('385) discloses the lot information includes lots of parts respective parts that make up the consumable unit information (pieces of information regarding the image forming apparatus, See Col. 16, Line 40-Col. 18, Line 20). The selecting unit (embodied within the application server, See Figure 1, Element 12) then decides the appropriate image formation control software based on the consumable-unit information (See Col. 18, Line 41-44), which the controller unit (embodied within the application server, See Figure 1, Element 12) then is configured to distribute the software decided upon to the image forming apparatus (See Col. 16, Line 6-8).

Regarding claim 49, Iizuka ('385) discloses the lot information indicates production condition for the consumable unit (any damages, error log for paper jams, etc., See Col. 16, Line 40-Col. 18, Line 20).

Regarding claim 62, lizuka ('385) disclose the external apparatus is the image forming apparatus (in order to receive the software from the server, See Figure 1, Elements 21-23).

Regarding claims 55-57, 59 and 63, the rationale provided in the rejection of claims 45-47, 49 and 62 is incorporated herein. In addition, the system of claims 45-47, 49 and 62 corresponds to the method of claims 55-57, 59 and 63 and performs the steps disclosed herein.

Regarding claim 61, lizuka ('385) discloses a computer executable program that is stored on a computer-readable medium for a computer to execute (a program is executed by a CPU that is stored on the web server, See Figure 1, Element 13; Col. 16, Line 30-33).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40-44, 48, 50-54, 58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over lizuka ('385) in view of Lee ('912).

Regarding claim 40, lizuka ('385) discloses a software distributing system (through the server, See Figure 1, Element 13) for distributing control software to an image forming apparatus (See Col. 16, Line 4-8) over a network (See Figure 1; Col. 15, Line 5-12). This includes a receiving unit (a data base server, See Figure 1, Element

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11) for receiving production lot information (the equipment information within the image forming apparatus, See Col. 16, Line 35-40) of a consumable unit detachably located and outputted from an image forming apparatus (consumable within the image forming apparatus, See Col. 17, Line 8-9). The system also includes a controller unit (embodied within the application server, See Figure 1, Element 12) distributes the image formation control software to printing apparatus (See Col. 16, Line 6-8) depending on the production lot information (See Col. 18, Line 35-44).

lizuka ('385) does not disclose the lot information is stored within a memory of a consumable unit.

Lee ('912) discloses a memory within a consumable unit (process cartridge memory, See Figure 1, Element 71) to store data (See Col. 5, Line 22-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a memory within a consumable unit, such as the one disclosed by Lee ('912) and incorporate it into the software distributing system of lizuka ('385) because by including a memory, the data is able to be constantly updated and stored so that the receiving unit is able to retrieve it faster.

Regarding claim 41, lizuka ('385) discloses the production lot information includes lots of parts respective parts that make up the consumable unit information (pieces of information regarding the image forming apparatus, See Col. 16, Line 40-Col. 18, Line 20). The controller unit (embodied within the application server, See Figure 1, Element 12) then decides the appropriate image formation control software based on the consumable-unit information (See Col. 18, Line 41-44), which the controller unit

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(embodied within the application server, See Figure 1, Element 12) then is configured to distribute the software decided upon to the image forming apparatus (See Col. 16, Line 6-8).

Regarding claim 42, Iizuka ('385) discloses the receiving unit (data base server, See Figure 1, Element 11) is configured to receive the operating information consumable unit (state of operation information included within the image forming apparatus, See Col. 16, Line 35-40). A selecting unit (embodied within the application server, See Figure 1, Element 12) then chooses the appropriate software based on the production lot information and the operation information received (software to control an image forming apparatus based on the information stored and retrieved by the application server, See Col. 18, Line 27-44). The controller unit (embodied within the application server, See Figure 1, Element 12) then distributes the appropriate image formation control software to the printing apparatus (See Col. 16, Line 4-8).

Regarding claim 43, Iizuka ('385) discloses the production lot information indicates production condition for the consumable unit (any damages, error log for paper jams, etc., See Col. 16, Line 40-Col. 18, Line 20).

Regarding claim 44, Iizuka ('385) disclose the external apparatus is the image forming apparatus (in order to receive the software from the server, See Figure 1, Elements 21-23).

Regarding claim 48, Iizuka ('385) discloses the consumable unit includes toner (See Col. 6, Line 6-9).

lizuka ('385) does not disclose the consumable unit also includes a photoconductor.

Lee ('912) discloses the consumable unit includes both a photoconductor (photosensitive drum, See Figure 1, Element 41) and toner (toner cartridge, See Figure 1, Element B; Col. 3, Line 33-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include a consumable unit comprising the photosensitive drum and toner cartridge, such as the one disclosed by Lee ('912) and incorporate it into the consumable unit of the image forming apparatus of lizuka ('385) because by including a photoconductor, more documents are able to be outputted from the printer rather than only using a toner cartridge since the toner is smaller and requires to be refilled more often (See Lee, Col. 4, Line 12-19).

Regarding claims 50-54 and 58, the rationale provided in the rejection of claims 40-44 and 48 is incorporated herein. In addition, the system of claims 40-44 and 48 corresponds to the method of claims 50-54 and 58 and performs the steps disclosed herein.

Regarding claims 60, lizuka ('385) discloses a computer executable program that is stored on a computer-readable medium for a computer to execute (a program is executed by a CPU that is stored on the web server, See Figure 1, Element 13; Col. 16, Line 30-33).



***Response to Arguments***

The applicant discloses that the prior art does not teach distributing software based on the production lot information stored in a memory. Iizuka discloses receiving the production lot information, or the data statistical and the equipment information, from each image forming apparatus and storing it within a data base server (See Col. 16, Line 35-42). By storing this type of data, software is able to be distributed in order to control the image forming apparatus (See Col. 18, Line 27-44). Even though Iizuka does not disclose a memory within a consumable unit, by incorporating Lee, which discloses a memory within a processing apparatus (See Figure 1, Element 71), data is able to be constantly updated and stored so that the data base server is able to retrieve it at a faster rate.

The applicant also discloses that the prior art does not teach selecting a control software from other different control software according to the combination of the identifying information and the operation information received for the same identifying information. Iizuka discloses that software is obtained for the operating information in order to control different operations, such as printing speed, temperature of the processing solution, etc. (See Col. 18, Line 27-44), for the same identifying information regarding the consumable unit within the multiple image forming apparatuses (See Figure 1, Elements 21-23). By receiving the identifying information and the operation information, the proper control software is able to be obtained for the image forming apparatus to control the different operations for the device.

Based on these facts, this action is made **NON-FINAL**.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent M. Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

7/25/06  
VMR

Vincent M. Rudolph  
Examiner  
Art Unit 2625

*KA Williams*

**KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER**